

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Alexis Manuel CORDOBA, :

Plaintiff, :

ORDER

-against- :

09 Civ. 6106 (RJH) (MHD)

Elyse MARTINEZ et al., :

Defendants. :

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MICHAEL H. DOLINGER

UNITED STATES MAGISTRATE JUDGE:

12/23/09

It appears from the docket that defendants in the above-captioned case have not yet been served. However, we have received a letter from Senior Counsel for the City of New York urging dismissal of plaintiff's claims against the "N.Y.P.D. 7th Precinct". (Prathyusha Reddy Letter to Judge Dolinger, Dec. 21, 2009). In support of this request, counsel points to Judge Preska's order directing plaintiff to file an amended complaint to cure several defects in the complaint. (Id. (citing Order, Jul. 7, 2009, Docket Doc. 3 [hereinafter "Order" or "the order"])). Among other things, the order noted that a police precinct was not a proper defendant in a section 1983 action. (Order at 3 (citing Ximines v. George Wingate High Sch., 516 F.3d 156, 160 (2d Cir. 2008) (per curiam); N.Y. City Charter ch. 17 § 396)). The Court directed plaintiff to instead name the City of New York as a defendant and to plead facts sufficient to support municipal liability under

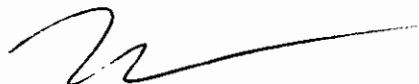
Monell v. Department of Social Services, 436 U.S. 658 (1978). (Order at 3-4). The order also cautioned that plaintiff's failure to comply would result in dismissal of the case. (Order at 6).

Plaintiff subsequently filed a pleading labeled "amended complaint" within the time frame specified by the Court and on the form provided by the Court. (See Am. Compl., Aug. 27, 2009, Docket Doc. 4). However, the amended complaint failed to name the City of New York as defendant. (Id.)

It is hereby **ORDERED** that if defendant "N.Y.P.D. 7th Precinct" (or the City of New York, if plaintiff's pleadings are liberally construed) wishes to be dismissed from the case, it is to serve and file a motion to dismiss. The parties are to deliver extra copies of all motion papers to the chambers of the Honorable Richard J. Holwell, Room 1950, and to the chambers of the undersigned, Room 1670, 500 Pearl Street, New York, New York, 10007-1312.

**Dated: New York, New York**  
**December 22, 2009**

**SO ORDERED.**



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**MICHAEL H. DOLINGER**  
**UNITED STATES MAGISTRATE JUDGE**

Copies of the foregoing Order have been sent today to:

BY MAIL TO:

Mr. Alexis Manuel Cordoba  
#1410813561  
Anna M. Kross Center  
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E. Elmhurst, NY 11370

Mr. Alexis Manuel Cordoba  
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181 Brand Road, Caller Box #20  
Malone, New York 12953-0020

BY FACSIMILE TO:

Elizabeth N. Krasnow, Special Ass't Corp. Counsel  
Prathyusha Reddy, Senior Counsel  
City of New York Law Department  
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